

**FILED**

**NOT FOR PUBLICATION**

**OCT 10 2007**

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE RODRIGUEZ; et al.,

Petitioners,

v.

PETER D. KEISLER, \*\* Acting Attorney  
General,

Respondent.

No. 07-71855

Agency Nos. A97-867-709

A97-867-710

A97-867-711

MEMORANDUM \*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted October 1, 2007 \*\*\*

Before: B. FLETCHER, BERZON and IKUTA, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")  
order adopting and affirming an Immigration Judge's order denying petitioners

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\* This disposition is not appropriate for publication and is not  
precedent except as provided by 9th Cir. R. 36-3.

\*\* Peter D. Keisler is substituted for his predecessor, Alberto R.  
Gonzales, as Acting Attorney General of the United States, pursuant to Fed. R.  
App. P. 43(c)(2).

\*\*\* This panel unanimously finds this case suitable for decision without  
oral argument. See Fed. R. App. P. 34(a)(2).

Jose Rodriguez, Marcela Sanchez Paniagua, and Gabriel Rodriguez's application for cancellation of removal.

A review of the administrative record demonstrates that petitioners have presented no evidence that they have a qualifying relative as defined in 8 U.S.C. § 1229b(b)(1)(D). *See Molina-Estrada v. INS*, 293 F.3d 1089, 1093-94 (9th Cir. 2002). The BIA therefore correctly concluded that, as a matter of law, petitioner was ineligible for cancellation of removal. Accordingly, respondent's motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam).

All other pending motions are denied as moot. The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

**PETITION FOR REVIEW DENIED.**